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Attorneys for Plaintiffs J & J Sports Productions, Inc.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION

J & J SPORTS PRODUCTIONS, INC.,

CASE NO. 4:10-cv-05504-PJH

Plaintiff,

VS.

ROMARICO SALVADOR MIRANDA, et al.

PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND **ORDER** (Proposed) CONTINUING CASE MANAGEMENT CONFERNCE

Defendant.

TO THE HONORABLE PHYLLIS J. HAMILTON, THE DEFENDANTS, AND HIS ATTORNEYS OF RECORD:

Plaintiff & J Sports Productions, Inc. hereby applies ex parte for an order vacating the Case Management Conference in this action, presently set for Thursday, April 28, 2011 at 2:00 P.M. This request will be, and is, necessitated by the fact that defendant Romarico Salvador Miranda, individually and d/b/a Wedge's a/k/a Wedge Bar & Restaurant is in default and Plaintiff's Application for Default Judgment will soon be filed before this Honorable Court.

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive pleading from the defendant. As a result, Plaintiff's counsel has not conferred with the defendant concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the case itself or the preparation of a Case Management Conference Statement.

PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. 4:10-cv-05504-PJH PAGE 1

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1	WHEREFORE, Plaintiff respectfully requests that this Honorable Court vacate the Case	
2	Management Conference presently scheduled for Thursday, April 28, 2011at 2:00 P.M. in order tha	
3	Plaintiff and its counsel may avoid necessary fees and costs in this matter presently pending final	
4	disposition by virtue of Plaintiff's Application for Default Judgment by the Court.	
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7		Respectfully submitted,
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11	Dated: April 20, 2011	/s/ Thomas P. Riley LAW OFFICES OF THOMAS P. RILEY, P.C.
12		By: Thomas P. Riley
13		Attorneys for Plaintiff J & J Sports Productions, Inc.
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PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. 4:10-cv-05504-PJH PAGE 2

LEIS J. HAMILTON

ORDER (Proposed)

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It is hereby ordered that the Case Management Conference in civil action number 4:10-cv-05504-continued. PJH styled *J & J Sports Productions, Inc. v. Romarico Salvador Miranda, et al.*, is hereby vacated.

5 6 Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a Certification of Service of this Order with the Clerk of the Court. The case management conference is continued to July 28, 2011 at 2:00 p.m.

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IT IS SO ORDERED:

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Dated: 4/26/11

PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. 4:10-cv-05504-PJH PAGE 3

PROOF OF SERVICE (SERVICE BY MAIL) 2 I declare that: 3 I am employed in the County of Los Angeles, California. I am over the age of eighteen years 5 and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, 6 California. I am readily familiar with this law firm's practice for collection and processing of 7 correspondence/documents for mail in the ordinary course of business. 8 9 On April 20, 2011, I served: 10 PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE 11 **CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)** 12 On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage 13 prepaid and following ordinary business practices, said envelope was duly mailed and addressed to: 14 Romarico Salvador Miranda (Defendant) 15 45 Wessix Court 16 Daly City, CA 94015 17 18 I declare under the penalty of perjury pursuant to the laws of the United States that the 19 foregoing is true and correct, and that this declaration was executed on April 20, 2011, at South 20 Pasadena, California. 21 Dated: April 20, 2011 /s/ Maria Baird 22 **MARIA BAIRD** 23 24 25 26 27 28